IN THE CLAIMS

Please amend the claims as follows:

1.   (Currently Amended) A network-based commerce system including:

a processor coupled to a memory through a bus; and

a fixed price-setting process executed from the memory by the processor to cause the processor to facilitate the operation of a network-based auction price-setting ~~price-setting~~ process for a listing of an item, the fixed price-setting process to provide a fixed price offer for the item and to publish the ~~fixed-price~~ fixed price offer on the listing ~~based on a criterion,~~ responsive to a bid to buy the item reaching a certain value during the auction.

2.   (Currently Amended) The network-based commerce system of claim 1, wherein the ~~fixed-price~~ fixed price offer is higher than a current highest bid.

3.   (Currently Amended) The network-based commerce system of claim 1, wherein the ~~fixed-price~~ fixed price offer is lower than a high proxy bid.

4.   (Previously Presented) The network-based commerce system of claim 3, wherein the fixed price-setting process further causes the processor to automatically designate a buyer associated with the high proxy bid as the winner of the auctioned item.

5.   (Original) The network-based commerce system of claim 4, wherein the automatic designation is performed when the buyer has opted into being designated the winner automatically.

6.   (Original) The network-based commerce system of claim 3, wherein the fixed price-setting process further causes the processor to automatically notify a buyer associated with the current high proxy bid upon the publication of the fixed price offer.

7.   (Canceled)

8.   (Currently Amended) A network-based commerce system including:

        a means for facilitating the operation of a network-based auction price setting process for

a listing of an item;

        a processing means coupled to a memory through a bus;

        a program means for providing a fixed price offer for the item, the program means to be

executed from the memory by the processing means; and

        a means for publishing the ~~fixed-price~~ fixed price offer on the listing ~~based on a criterion,~~

responsive to a bid to buy the item reaching a certain value during the auction.

9.   (Currently Amended) The network-based commerce system of claim 8, wherein the

~~fixed-price~~ fixed price offer is higher than a current highest bid.

10.   (Currently Amended) The network-based commerce system of claim 8, wherein the

~~fixed-price~~ fixed price offer is lower than a high proxy bid.

11.   (Original) The network-based commerce system of claim 10, further including:

        a means for automatically designating a buyer associated with the high proxy bid as the

winner of the auctioned item.

12.   (Original) The network-based commerce system of claim 11, wherein the means for

automatically designating is performed when the buyer has opted into being designated the

winner automatically.

13.   (Original) The network-based commerce system of claim 10, further including:

        a means for automatically notifying a buyer associated with the current high proxy bid

upon the publication of the fixed price offer.

14.   (Canceled)

15.   (Currently Amended) A machine-readable medium having instructions to cause a

machine to perform a method to facilitate operation of a network-based commerce system, the

method including:

        facilitating the operation of a network-based auction price setting process for a listing of

an item;

        providing a fixed price offer for the item; and

        publishing the ~~fixed-price~~ fixed price offer on the listing ~~based on a criterion,~~ responsive

to a bid to buy the item reaching a certain value during the auction.

16.   (Currently Amended) The machine-readable medium of claim 15, wherein the ~~fixed-price~~

fixed price offer is higher than a current highest bid.

17.   (Currently Amended) The machine-readable medium of claim 15, wherein the ~~fixed-price~~

fixed price offer is lower than a high proxy bid.

18.   (Original) The machine-readable medium of claim 17, further including:

        automatically designating a buyer associated with the high proxy bid as the winner of the

auctioned item.

19.   (Original) The machine-readable medium of claim 18, wherein the automatically

designating is performed when the buyer has opted into being designated the winner

automatically.

20.   (Original) The machine-readable medium of claim 17, further including:

        automatically notifying a buyer associated with the current high proxy bid upon the

publication of the fixed price offer.

21.   (Canceled).

22.   (Currently Amended) A method to facilitate operation of a network-based commerce system, the method including:

facilitating the operation of a network-based auction price-setting process for a listing of an item using a fixed price-setting process executed from a memory by a processor;

providing a fixed price offer for the item; and

publishing the ~~fixed-price~~ fixed price offer on the listing ~~based on a criterion,~~ responsive to a bid to buy the item reaching a certain value during the auction.

23.   (Currently Amended) The method of claim 22, wherein the ~~fixed-price~~ fixed price offer is higher than a current highest bid.

24.   (Currently Amended) The method of claim 22, wherein the ~~fixed-price~~ fixed price offer is lower than a high proxy bid.

25.   (Original) The method of claim 24, further including:

automatically designating a buyer associated with the high proxy bid as the winner of the auctioned item.

26.   (Original) The method of claim 25, wherein the automatically designating is performed when the buyer has opted into being designated the winner automatically.

27.   (Original) The method of claim 24, further including:

automatically notifying a buyer associated with the current high proxy bid upon the publication of the fixed price offer.

28.   (Canceled)